

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #13	CCRB Case #: 201509532	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/30/2015 5:02 PM	Location of Incident: 305 Union Avenue; § 87(2)(b)	Precinct: 90	18 Mo. SOL 4/30/2017	EO SOL 4/30/2017	
Date/Time CV Reported Sun, 11/08/2015 10:21 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 11/08/2015 10:21 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Kuang	02236	949185	090 PCT
2. POM Stephen Sheppard	13816	945001	090 PCT
3. POM Miguel Melendez	10581	949320	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Philippe Vukosa	22128	953542	090 PCT
2. LT Ewa Lapinska	00000	935158	090 PCT
3. SGT Charles Senat	00520	933345	090 PCT
4. POM Ramses Cruz	06083	918899	090 PCT
5. POM Manuel Cantoralonso	11751	945155	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Sheppard	Abuse: At 305 Union Avenue, in Brooklyn, PO Stephen Sheppard threatened § 87(2)(b) with the use of force.	§ 87(2)(g), § 87(4-b)
B.POM Stephen Sheppard	Discourtesy: At 305 Union Avenue, in Brooklyn, PO Stephen Sheppard spoke discourteously to § 87(2)(b)	§ 87(2)(g), § 87(4-b)
C.POM Miguel Melendez	Abuse: At § 87(2)(b), PO Miguel Melendez refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(g), § 87(4-b)
D.POM Miguel Melendez	Force: At § 87(2)(b), PO Miguel Melendez used physical force against § 87(2)(b)	§ 87(2)(g), § 87(4-b)
E.POM Jason Kuang	Force: At § 87(2)(b), PO Jason Kuang used physical force against § 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)

Case Summary

On November 8, 2015, § 87(2)(b) filed this complaint via the CCRB Call Processing System.

On October 30, 2015, § 87(2)(b) was arrested for § 87(2)(b) erty inside of 305 Union Avenue, in Brooklyn, after purchasing an iPhone from an § 87(2)(e), § 87(2)(f) § 87(2)(b). PO Stephen Sheppard, at the time assigned to the 90th Precinct Anti-Crime team, assisted in § 87(2)(b)'s arrest. Before conducting a search of § 87(2)(b) PO Sheppard told him, "If you have anything sharp I'm going to beat the shit out of you," (**Allegations A and B**). § 87(2)(b) was taken to the 90th Precinct stationhouse by other officers, but lost consciousness and was taken to § 87(2)(b) by PO Miguel Melendez, of the 90th Precinct.

At § 87(2)(b) § 87(2)(b) asked PO Melendez, who was sitting across the room, for his badge number. PO Melendez did not respond to him (**Allegation C**). Later, after § 87(2)(b) had been seen by doctors and released, PO Jason Kuang of the 90th Precinct came to the hospital to help PO Melendez transport § 87(2)(b) back to the 90th Precinct stationhouse. The officers approached § 87(2)(b) and told him to get up. § 87(2)(b) refused, and the officers grabbed him by his arms and pulled him over the foot of the bed onto his knees (**Allegation D and E**). They lifted him to his feet and handcuffed him. Then the officers transported § 87(2)(b) back to the 90th Precinct Stationhouse.

On December 3, 2015, case number 201510273 was generated and referred to the Department of Corrections to address allegations that § 87(2)(b) made against a corrections officer at Brooklyn Central Booking.

Mediation, Civil and Criminal Histories

- Due to § 87(2)(b)'s arrest, and his admission to the hospital, this case was ineligible for mediation.
- A FOIL request for any related Notice of Claim was sent to the NYC Comptroller's office on December 9, 2015. There has been no response as of the date of this report.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- PO Kuang has been a member of service for five years and there are no substantiated CCRB allegations against him (Board Review 03).

- PO Melendez has been a member of service for five years and there are no substantiated CCRB allegations against him (Board Review 04).
- PO Sheppard has been a member of service for eight years and there are four substantiated allegations against him, over two cases (Board Review 05).
 - In case 200804416, PO Sheppard was found to have unlawfully questioned an individual. The CCRB recommended a command discipline. The NYPD added a stop allegation, and issued instructions to PO Sheppard.
 - In case 201402388, PO Sheppard was found to have unlawfully stopped, frisked, and searched individuals. The CCRB recommended a command discipline, and one was issued by the NYPD.

Potential Issues

- There were two independent witnesses present for the incident inside of 305 Union Avenue, § 87(2)(b) and § 87(2)(b) however, they could not recall hearing the allegations. § 87(2)(g) (Board Review 06, Board Review 07).
- § 87(2)(g) First of all, while § 87(2)(b) stated that he was unconscious when he was brought to the hospital, the medical records note that he did not lose consciousness, and that he was oriented and able to walk. Second, the medical records note that § 87(2)(b) was uncooperative with medical staff, and describe an incident where he wrapped a cord around his neck and attempted to strangle himself (Board Review 14). This incident was also described by PO Melendez (Board review 12); however, § 87(2)(b) did not mention it in his statement (Board Review 08).
- By his own admission, § 87(2)(b) had taken methadone an hour before the incident. According to § 87(2)(b)'s medical records, he was given medication at the hospital (5 milligrams of Haldol) that would have caused him to fall asleep.

Findings and Recommendations

Allegation A – Abuse of Authority: At 305 Union Avenue, in Brooklyn, PO Stephen Sheppard threatened § 87(2)(b) with the use of force.

Allegation B – Discourtesy: At 305 Union Avenue, in Brooklyn, PO Stephen Sheppard spoke discourteously to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) The two civilian witnesses, § 87(2)(b) and § 87(2)(b) were not paying attention to what the officers were saying and did not hear the comment. PO Sheppard confirmed that he searched § 87(2)(b) and asked him whether he had anything sharp in his pockets (Board Review 09). PO Sheppard, LT Lapinska, the ranking officer on scene, and all the other officers interviewed denied that the comment was made (Board Review 10, Board Review 11, Board Review 12, Board Review 13). Otherwise, the officers and civilians gave consistent testimony of the incident, and all claimed that it transpired without incident or notable resistance from § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Abuse of Authority: At § 87(2)(b), PO Miguel Melendez refused to provide his name and shield number to § 87(2)(b)

Allegation D – Force: At § 87(2)(b), PO Miguel Melendez used physical force against § 87(2)(b)

Allegation E – Force: At § 87(2)(b) PO Jason Kuang used physical force against § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) stated that when he woke up in § 87(2)(b), he asked PO Melendez for his shield number, and PO Melendez did not respond. Later, when he was being discharged from the hospital, PO Melendez and PO Kuang approached him and told him to get up. § 87(2)(b) refused, and the officers grabbed him and pulled him over the foot of the bed, bringing him down to his knees before handcuffing him.

Both PO Melendez and PO Kuang confirmed their interactions with § 87(2)(b) at the hospital. PO Melendez denied that § 87(2)(b) ever asked him for his badge number, and stated that, due to medication that hospital staff gave § 87(2)(b) he was asleep for most of his time in the hospital. PO Melendez and PO Kuang gave consistent testimony of how he was removed from the hospital bed. As they described it, it did not constitute excessive force. They both said that he was lifted to his feet over the side of the bed, after refusing to get up. Both officers denied that § 87(2)(b) was ever brought to his knees during the handcuffing process.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date